

NEWINGTON TOWN PLAN AND ZONING COMMISSION

November 21, 2011

Regular Meeting

Chairman Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Chairman Pruett
Commissioner Aieta
Commissioner Camillo
Commissioner Turco

Commissioners Absent

Commissioner Lenares
Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Turco was seated for Commissioner Lenares and Commissioner Aieta was seated for Commissioner Schatz.

II. PUBLIC HEARINGS

A. PETITION 32-11 – 256 New Britain Avenue, Bel-Air Manor, Dr. Robert Sbriglio owner, Bianca Signs, Inc, 99 Newington Avenue, New Britain, CT 06051 applicant, request for Special Exception Section 6.2.4 Ground Sign B-Business Zone District. Continued from November 9, 2011.

Paul Bianca, Bianca Sign, 99 Newington Avenue: As you recall from the last meeting, we had a proposed ground sign here for Bel-Air Manor, a single faced sign facing the main road, the question was the location of the sign. I just spoke to Ed Meehan, the property where the sign is going to go is also owned by the owners of Bel-Air Manor. I guess they had split the property up so, they own this property where they would like to place this sign. I know that you probably haven't seen the actual placement of it here, I have it here, so that is what we are proposing.

Chairman Pruett: Okay, could you show us where it is going to be? Where is the old sign?
Ed, did you get a chance to see.....

Ed Meehan: So it's the same location as the old sign, just turned parallel to the road?

Paul Bianca: Yeah, well, it's over slightly.

Ed Meehan: Oh, it's over to the east.

Paul Bianca: Right.

Chairman Pruett: And you will be removing the old sign?

Paul Bianca: Yes.

Chairman Pruett: Anything else on that?

Paul Bianca: It would be ground spot lighting facing the sign.

Chairman Pruett: Facing the sign, so it would be from the street, facing in towards the.....

Paul Bianca: I know there was a question the last time I was here, someone was worried about the lighting shining on his property or something, but this will be facing the sign, so it wouldn't be.....

Chairman Pruett: Right, from the street, facing the building.

Paul Bianca: Right.

Chairman Pruett: Ed, staff comments?

Ed Meehan: That clarified the location, are these lights going to be on any kind of a timer or anything like that, are they going to be on 24/7?

Paul Bianca: That, I'm not sure. I think it is probably on a time clock, I would imagine. I don't think they would keep them on all night, so probably a limited time.

Ed Meehan: Okay, thank you.

Chairman Pruett: Anything else?

Ed Meehan: That's all I have.

Commissioner Pane: Could you explain again, you mentioned that it was on their property, or are there two different property lines, it was a little confusing, what you said earlier.

Paul Bianca: Yeah, it was kind of confusing to me too, their property line is very close to their driveway, see on the plot plan there, and the sign is a bit over from that, but they also own that property, so the question was last time, was it on their property, and actually the owners of Bel-Air Manor own this lot. It seems like it is right in front of Bel-Air Manor, but it's, I guess there was some kind of division there at one time.

Commissioner Pane: Okay, thank you.

Ed Meehan: I can pass this map around. That's a survey map that shows Sbriglio owning the adjacent property.

Commissioner Pane: Did you give it any thought, Mr. Chairman one other question, did you give it any thought since some of the neighbors were objecting to the possible light shining across the street, did you give it any thought on changing the sign to the same direction that the old sign was, with just another face on it?

Paul Bianca: Well, that was a double face, if there was any question about the light, there would be more light shining both ways with a double faced sign. This is, the sign is going to face the street, so the light will be facing the sign, and actually any light that would be emitting would be facing Bel-Air Manor, so it wouldn't be facing.....

Commissioner Pane: Well, you would get some reflection off of it, if you turned it sideways, you know,.....

Paul Bianca: I don't see that as being an issue to be honest with you. I mean they are going to have a couple of spotlights right in front of the sign, and its going to hit the sign. It's not like a glossy material, so its not going to reflect much. I really don't see it being an issue to be honest with you as far as any protruding light.

Commissioner Pane: Thank you.

Paul Bianca: You're welcome.

Chairman Pruett: Additional Commissioner comments on the petition?

Commissioner Hall: Is the current sign lit, I can't remember.

Paul Bianca: Yes, that has ground spot lights on both sides.

Commissioner Hall: And does that stay on all night? The only thing that I'm thinking, because of the nature of this facility I would think it would have to be lit all night for vehicles coming in and out as need be.

Paul Bianca: Well, if there was an emergency, an ambulance or something, you know.

Commissioner Hall: Right, so can we find out if it is currently on all the time, because if it is, then that is not much of a change.

Paul Bianca: So if it is, I would imagine that they would keep the same set-up that they have now. It's ground spot lights, it's going to be controlled by the same.....

Commissioner Hall: Right, but we were just talking about, we didn't think it was going to be on all night. Let's find out if it is because my thought is, it probably is on all night now, for safety reasons.

Paul Bianca: Right. The building is set way back from the road, you really can't see it, so they should have something out there.

Chairman Pruett: Any further comments?

Commissioner Aieta: Mr. Chairman, the, I think the objection from the neighbor, the neighbors was the sign now, you only see twelve inches of the sign, and if you turn the sign the way that you want, they are going to see a 48 x 100 inch sign, so I think that's their objection. They are going to look out their window, they are going to see this Bel-Air Manor

sign, and I think that is what they are objecting to, where now they don't see the sign at all, they just see the side profile of it, and you have to remember, this is a residential neighborhood, and these facilities are allowed in those areas as a special exception, but you have to be cognizant of what the neighbors are going to be looking at. These people haven't looked at a sign like this, although it's a nice looking sign, I mean, he's going to look at this everyday, where he doesn't see the sign now at all.

Paul Bianca: Well, he's have to speak for himself to be honest with you, I thought the objection was to the lighting last time I was here, so I can't really say much about that. This is what the owners proposed, they would like to have a sign facing the street.

Chairman Pruett: Any other Commissioner comments?

Commissioner Camerota: How many spotlights are going to be on it?

Paul Bianca: Probably one, I think they have one right now, so it would be the same set-up. I'm not going to do the electrical, but there is one spotlight on each side, so one spotlight, basically. It's not a very big sign, four feet by eight, you don't need much lighting for it.

Commissioner Camerota: Okay.

Chairman Pruett: Anybody else? Okay, this is a public hearing, I'm going to call the public to come up. Anybody from the public wishing to speak in favor of this petition? Anybody wishing to speak against this petition. Yes sir, if you would come up to the podium please and just state your name and address for the record.

Beng Tart Kuan, 263 New Britain Avenue: I was here the last time. I'm not for or against. Hearing what the Commissioners said just now, for edification, the present sign, the lights are on the whole night, because as you put it, the ambulances and the fire engines, they need to know how to get into the place, but what I heard from Mr. Bianca, whatever, the owner of Bianca Sign, if it is going to be in the same place, and with the lights shining in, I think it is quite okay to me, you know. As long as you do not put high wattage or voltage, halogen light, or sodium light, you know, use perhaps energy saving, I do not know how bright that would be, but ninety-nine inches across, is quite large but I mean, what can we do if you guys approve it. That's all I have to say. I want to say, the last time, the minutes, my last name was changed, it should be K-U-A-N and should be 263.

Chairman Pruett: Anyone else want to speak against this petition? What's the pleasure of the Commission on this? Keep it open for another meeting, close it, any other comments? Move it to Old Business?

Commissioner Anest: Will we be able to comment on the time frame of the lighting? What kind of lighting is going to be used?

Chairman Pruett: Yeah, can we get more information on that Paul? The hours that it is going to be and the timing of it, the type of lighting, if you could inform Ed of that?

Paul Bianca: Sure.

Chairman Pruett: Okay, so we can close that under the conditions just set forth.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None

IV. **MINUTES**

November 9, 2011 – Regular Meeting

Commissioner Anest moved to accept the minutes of the November 9, 2011 Regular Meeting. The motion was seconded by Commissioner Camerota.

Commissioner Hall: One abstention, I did read the minutes, but since I was not here I rather not.

Commissioner Turco: I will abstain as well.

The vote was in favor of the motion, with five voting yes and two abstentions. (Hall, Turco)

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW BUSINESS**

- A. **Petition 33-11 - 2385 Berlin Turnpike Puerto Villarta Restaurant LLC owner and applicant, contact Juan Carlos Rodriguez, 2385 Berlin Turnpike, Newington, CT 06111 request for site plan modification parking expansion and waiver landscape buffer, Berlin Turnpike Business Zone, B-BT District. Continued from November 9, 2011.**

Chairman Pruet: Would the petitioner please come forward and state your name and address for the record?

Joseph Green, 6 Old Waterbury Road, Engineer for the applicant, Terryville, CT: The last time we were here, I have provided plans, six of them, I wasn't sure.....

Ed Meehan: Is this the same thing that is up on the board?

Joseph Green: Yes.

Ed Meehan: I prefer not to put these out now because it's somewhat disruptive, if the Commissioners want them.....

Joseph Green: The last time we were here, you had mentioned about if the existing parking was non-conforming, we did determine that with what he has here today, was roughly required 68 spaces, or required 77 spaces and what he has here today is 68, so his parking is non-conforming today. The other comment was about reducing this distance here, so you wanted to meet the twenty-five. In speaking with Mr. Meehan, he had recommended that we keep this, but reinforce a lot of the landscaping and show fence, which we added a six foot high white vinyl fence along with five to six foot high arborvitae along that entire length. I have a copy of the fence that the owner would like to put in. This is what he also gave me, a catalogue with the fence. He had mentioned that the addition, as of this time, he did not want

to prepare any building plans, although he took pictures that he wanted me to submit that would basically just show I guess the extension, the architecture and everything is going to be the same, it's just going to be extending it out. I think he wanted to give these also.

Chairman Pruett: Did he show these on a map also?

Joseph Green: Yes, the addition is right in here.

Chairman Pruett: Where the entrance is?

Joseph Green: Correct, on the left. Then the lighting, he also has a picture and I can provide detail, the lighting will be full shielded lights that are currently out on site. The drainage we were able to investigate, I know I spoke about this last time. We were finally able to investigate what was there, we determined that he was a series of long galleys with a dry well. I haven't had an opportunity to prepare the report yet for Mr. Greenlaw, the town engineer, however I don't see that there would be a problem with what is there. I think that is what the comments were from last time. I'd be glad to answer any questions.

Chairman Pruett: On the shrubs, the tree line, how will those be staggered and planted?

Joseph Green: There is a detail that is shown on Sheet 3, that shows the staggered on the arborvitae. They are spaced about five, and then three and a half here, so they are going to come out this distance and the fence is going to be placed obviously closest to the property line and there is a short section of fence that is already there that is actually on this property that is going to come down, so there is not two fences there. The existing stockade, I think it's a stockade, is going to be removed and replaced with this one.

Chairman Pruett: Okay. Ed, comments from staff?

Ed Meehan: You are still asking for a waiver of the twenty-five foot buffer?

Joseph Green: That is correct.

Ed Meehan: Okay, and I wasn't clear on, you sent the picture around, your client is not going build that, 25 x 25.....

Joseph Green: No, he wants to build that, he just, he indicated that he didn't want to prepare any architectural plans until he had gotten approval for the parking lot.

Ed Meehan: So does plan reflect, the second sheet here reflect the requested bump out, this build out?

Joseph Green: Yes it does.

Ed Meehan: I think the Commission, I don't know what the Commission's pleasure is, but I'm not sure the picture will suffice as to what the architectural look of the building is going to be for the front of the building, but the purpose of the original application was to expand the parking lot with a request for a waiver. The last meeting we talked about maybe moving some of the islands around, reducing the green space within the parking area. That is not a waiver that the Commission reserved to itself. The regulations clearly state that you have to have at least ten percent of the internal parking lot in green space, so the Commission doesn't have the latitude to waive that. They did reserve the right of the Commission to consider a buffer reduction down to 12 ½ feet maximum by a two thirds vote. That's that

section 6.10 of the regulations, if you feel that the applicant is presenting a reasonable replacement of the buffer with the fence and the additional landscaping, and that protects the neighbors. That is something the Commission could give your judgment on and vote that way. The parking, the additional parking is going to improve the situation, there is not sufficient parking there now. The galley system, we know from past experience, in this site and neighboring sites, has worked in this area. It is one of the few areas that we have some pretty good permeable soils but again, that is something that the engineers need to talk to each other about. So I think it is really a decision about the buffer that is before you tonight.

Chairman Pruett: Commissioner comments?

Commissioner Pane: Thank you Mr. Chairman. Ed, I'm a little confused, you talk about the waiver of the 25 foot buffer and talk about waiving 12 ½ feet of it, I understand that. Are they asking to waive more than 12 ½ feet or are they asking to waive 12 ½ feet?

Joseph Green: We're at 14.

Ed Meehan: From 25 to 14.

Commissioner Pane: So you are asking to waive more than 12 ½ feet?

Ed Meehan: No.

Commissioner Pane: Less than 12 ½ feet.

Joseph Green: Your setback is 25, it's 14.1 to the (inaudible), so we are asking to ten actually.

Commissioner Pane: Thank you.

Commissioner Hall: Again, I read the minutes so that I have a pretty good idea of what happened the last time, my greatest concern is that the people on Kitts Lane have, over the past couple of years been encroached upon, not in just one area, but there was another development off of Brockett Street that also kind of crunched them a little bit on the other side, so that is my concern, that we just seem to be taking more of that buffer away from them, and I know we are adding trees and fences and all of the rest of it, but it's difficult for those people to see their yards become closer and closer to the commercial.

Chairman Pruett: You think that would clean it up though, with the improvements that he is....

Commissioner Hall: It will clean it up, it would be nice to have both, the fence and the arborvitae plus the buffer. I mean, that would be the ideal area, but that's just my concern, that we seem to be encroaching more into the residential area.

Commissioner Aieta: Some years back, the McDonald's Restaurant, which is in close proximity to this particular project came in for a change of a building use, to redesign their whole site. They ended up buying the property next door to accommodate the expansion of the McDonald's. They were adamantly told by this Commission that they had to maintain a 25 foot buffer at Kitts, at the back end of the site, and they redesigned their whole site to accommodate that, and also to accommodate the front yard setbacks. I have the minutes from that particular meeting where, on McDonald's, and it's exactly the same area, exactly what they were asking for, they were looking for a reduction in the buffer on the back end of

the property and the Commission was adamant about preserving that buffer and also the front yard setbacks, so I mean, this is like right next door. I know that this would help, the increase in the plantings would help and the fence, but still, the 25 feet is, as Cathy said, we are encroaching more and more on the residents, and that is what I said last week, I would rather see us do something, waive parking or do something than start cutting back on the 25 foot buffer. I'd rather do something with the interior than this particular area. I think we have to maintain the residential buffers. We've been decreasing them, I mean, what is the hardship, or why is, what would be the reason to get more parking, the site should stand on its own. Does it have parking that is adequate for the facility? If not then how is it operating today?

Chairman Pruett: I guess that was the concern. You don't have sufficient parking there for the employees and.....

Joseph Green: That's correct.

Chairman Pruett: Ed, any comments?

Ed Meehan: I think that the only way that this buffer could be accommodated to leave it at 25 feet would be to waive some of the parking along that westerly side. I don't know if that makes any sense from a practical point of view, if the problem is lack of parking in the first place. I don't see anything in the regulations where you can eliminate some of these interior islands, I mean, that's the bottom line. If that was a waivable item, I think that might be a resolution. The thing that complicates this, and Commissioner Hall mentioned it, the re-zoning of the north side of Brockett Street. Used to be I think Palombizio's property, pushed the Business Berlin Turnpike zone northerly into the back of some of these back yards. There is a, the building itself that was approved there sort of acts as a buffer, but nevertheless, it's not a green space. It's also complicated by the fact that there are two interior lots back in here, you don't see that on the plan, but there's an interior lot that is accessible from Kitts Lane and another lot that is accessible from Robbins, East Robbins. It makes the residences that much closer to the commercial activity going on here. These are not full backyards because there are houses back in here. I don't know the history of that, that happened many years ago. I think, I observed that there is a lack of parking on this site, they have been parking on the lawn this past summer, I believe that the zoning officer may have been over to talk about that, the under story of the white pines through there is not in good shape, it's very open, so certainly a stockade fence would help measurable there to provide some added buffer that isn't there right now, but I think this is a judgment call here on how you would act on this.

Commissioner Aieta: For the engineer, you've laid this out, the fourteen feet is the maximum you could give us to make the aisle ways work and the parking work?

Joseph Green: Yes.

Commissioner Aieta: I'm assuming that you took it into consideration for the aisle ways and the lengths of the spaces and so on and so forth and that is basically the maximum to accommodate getting the parking on the back there?

Joseph Green: Yes, plus the green space and the islands.

Commissioner Pane: Just want to point out to the Commission some items from our 2020 Plan that this Commission put in our 2020 Plan. Under residential development, we had added, "maintain quality residential neighborhoods by avoiding the intrusion of non-

compatible uses, non-residential traffic, planned with sufficient buffers adjacent to commercial uses.” And then, under neighborhood business areas, number seventeen, “encourage existing neighborhood business districts to improve their appearances, maintain present boundaries, and insure that the adjacent residential properties are not adversely impacted.” And, under buffering, number twenty, “use zoning regulations, site plan review process to ensure that open space buffers are increased, increased between residential and commercial and industrial land uses.” Thank you Mr. Chairman.

Chairman Pruett: Anybody else? What is the pleasure of the Commission on this petition? It's New Business, there is no public hearing.

Ed Meehan: Mr. Chairman, I just saw these plans for the first time tonight. I did get a PDF from the engineer earlier, but I have not seen all these plans put together. I can't tell whether, I gave him some comments on the size of the arborvitae, and asked him about the fence, but I haven't had a chance to go through these plans as thoroughly as I would have liked to.

Commissioner Pane: Mr. Chairman, just one other comment, and I'm not positive on this, but I believe that McDonald's site, was non-compatible for all kinds of things, the front yard setback, the rear buffer, distance to residential and everything. They were able to meet the thirty-five foot front yard, the twenty-five foot back yard. They couldn't meet the three hundred feet distance to residential and I don't believe that they met the interior green space. I'm not positive about it, but I think the Commission should look into it because I think that the Commission back then said, well, we'd rather have the twenty-five foot buffer and a little less in the parking area, then not the, the green space in the parking area and not the buffer. So I just wanted to bring that point out to the Commission, thank you Mr. Chairman.

Chairman Pruett: Okay thank you. We're going to leave this open because there are a lot of things we have to discuss with the engineer and internally among ourselves. Thank you.

B. Balf Company – 2011 Site Plan Status Report and 2011-2013 Statement of Quarry Operations, contact Mr. Frank Lane, Director of Real Estate & Environmental Compliance, Tilcon Connecticut, Inc., 1 Forest Road, North Branford, CT 06471-1023.

Chairman Pruett: If you would come up sir and give your name and address for the record? Welcome.

Frank Lane: Thank you, and for the record, my name is Frank Lane. I'm the Director of Real Estate for Tilcon and Balf. My work address is 1 Forest Road, in North Branford and I'm here this evening for our biennial operation plan presentation and on the wall you see the site plan of the Balf Quarry on Hartford Avenue. I highlighted in magenta the two visible buildings, really the only part of the site that you can see from the street. The smaller one in magenta is the office building and the larger one to its rear is the large service garage that is on the site. The areas in blue are the storm water detention basins that we constructed, working with the DEP a number of years ago and still manage the run-off from the site. The one in the, would be the westerly, easterly portion of the site is actually within the quarry, that's a temporary detention basin at the base of the quarry where water settles before it is pumped up to the other basins on the site.

There has been very little done there in the past two years. Essentially, the quarry has not operated in two years. This year we blasted only twice, we ran the plant for only two weeks to make some high demand stone. The economy has brought our business, everywhere pretty much to its knees. This used to be a two shift operation. Our view of next year is that

it will not be much different from this year. We're hoping that 2013 will be significantly better and I'd be pleased to answer any questions that you might have.

Chairman Pruett: What is the life expectancy of the quarry in your opinion? How many years out?

Frank Lane: It depends on the demand. The basalt, igneous basalt which is the rock we mine, it's the lava flow is very deep in that area, we have several more cuts so I would say there is probably forty years of reserves in normal production.

Chairman Pruett: Thank you. Any Commissioner comments, Ed, staff comments?

Ed Meehan: No, no comments.

Chairman Pruett: Thank you very much for coming in Mr. Lane, I appreciate the presentation.

C. Petition 69-06 – 68-80 Maple Hill Avenue 8 Lot Subdivision known as “Greenes Way” approved April 25, 2007, Five (5) Year Expiration Date April 25, 2012, Donna DiMauro owner request for the following:

- a. Extension of time for completion Section 7.5 Subdivision Regulations and Section 8-26 (c) Ct General Statutes.**
- b. Waiver of sidewalks along north side of residential access street, Section 3.11 Subdivision Regulations.**
- c. Request of street name change to “Packard’s Way, Section 3.6.11 Subdivision Regulations.**

Chairman Pruett: If you would like to come forward, give your name and address for the record please?

Donna DiMauro: Good evening, my name is Donna DiMauro and I am the owner of the property in the rear of 68 Maple Hill Avenue, presently known as the subdivision Greenes Way, which as you mentioned was approved in 2007. In the interim, the original developer was unable to complete the project, and it's kind of been laying dormant for four years now, and I have decided to assume responsibility to develop the property and therefore there is no way I can finish that by April of next year, so I am requesting an extension. Also, I want to change the name of the road and regarding the sidewalk waiver, I feel that, I'm trying to develop this area in as green a way as possible, and the concrete, I just received the Smithsonian Magazine today that says that concrete is the number one construction material that is the major source of climate warming gases, and I'm really trying to maintain those green building standards, and I have already whole heartedly agreed to the seventy feet of conservation area, easement area between the two rear lots there which totals one half acre, and I would continue with that. By installing 570 linear feet, we would be eliminating about (inaudible) square feet of impervious surface which would increase the water run-off onto Maple Hill Avenue which was a huge concern during the approval process of this development. Because it is not a high traffic area, there is no outlet, it's a dead end street. There are thirteen side streets off of Maple Hill Avenue, the smallest one is twelve houses, the largest is twenty-six and the street, Ponderosa Lane has twenty-six and sidewalks on one side, which I believe are warranted, but if the sidewalks are strictly a safety issue, I feel that the pedestrian traffic in this kind of a street, being that it is only six houses, is really minimal. I don't think there is a safety issue here, and so for those reasons I am requesting the waiver.

Chairman Pruett: Ed, staff comments?

Ed Meehan: Yes, there's a staff report on the table for each Commission member. The extension of the time limit is an administrative action, in fact the general statutes were revised back in May 9, 2011 because of the economic times the time limits for completing a subdivision was extended by nine years. It used to be five years, now it's up to nine years, and an additional extension up to fourteen years could be granted in some situations. So if this, by statute, this subdivision can run on its first extension to 2016, April 25, 2016. That's by statute, but the Commission needs to put that on the record. The second item, the street name change I think is a prudent thing to do. We have a Green Avenue, we have a Greenlawn, I think Greenes Ways could be confusing for emergency dispatch, so Packards Way is not a similar sounding name that we have in Newington. The waiver of the sidewalk construction was requested by the original developer of this subdivision. It was not granted by the Commission. To grant a waiver of a residential sidewalk on a residential access street the Commission felt that the developer didn't show that it was exceptional hardship or difficulty in constructing that sidewalk and so as part of their approval motion, they specifically said concrete sidewalks to town standards shall be located along the north side of the proposed Greenes Way. So, when you ask for a waiver of the subdivision standards, design standards, you have to do that when it is originally presented and you have to demonstrate some sort of a unique hardship with the property, and the Commission that acted on this back in 2007 didn't feel that a waiver was appropriate.

Chairman Pruett: Maybe we can go down and discuss each section of the petition? Any comments on granting an extension to this project? Any problem with that?

Commissioner Pane: Could the applicant explain again, I understand that the original one was, the original plan had sidewalks on both sides?

Chairman Pruett: One side.

Commissioner Pane: Only on one side. Some of the abutting streets there, are there sidewalks connecting to the.....

Donna DiMauro: No.

Commissioner Pane: No sidewalks

Donna DiMauro: I'm sorry, there is a sidewalk on Maple Hill Avenue that connects to Cedar Street, I75, and then it ends there, so there is no access at the end of Maple Hill Avenue to get to Cedar Street, to get to the center of town, or anywhere else.

Commissioner Pane: So you are off of, this would be off of.....

Donna DiMauro: Off of Maple Hill.

Commissioner Pane: Now, some of the side roads there, going to Maple Hill, are there sidewalks going up to Maple Hill from some of the side roads.

Donna DiMauro: None. Except for that one street that has twenty-six houses, this street will have six homes.

Commissioner Pane: Six homes? Okay. The only comment I would have to say is that it really doesn't make sense to put a sidewalk that doesn't join to other sidewalks cause then

the town ends up having to fill that space up later with our sidewalk plan, and if you are only serving six homes, I don't see a problem with waiving it.

Ed Meehan: This does connect with the sidewalk on Maple Hill.

Commissioner Pane: It's going to connect all the way to Maple Hill?

Ed Meehan: Yes, there's a sidewalk on the side of Maple Hill that this subdivision is proposed for.

Chairman Pruett: It would connect into that.

Commissioner Pane: It's hard without the plans and everything. I mean, it's serving six homes and you would make her put in five hundred and something feet of sidewalk, going all the way up to Maple Hill? It doesn't sound right. I think the Commission should look at the plans, the older plans.

Chairman Pruett: Again, a general discussion, is there any reason not to grant an extension? Okay, we will grant an extension. On the change of the street, I think that the Town Planner made a comment that there are similar streets, Greenlawn, Greenview or whatever. I think that would be appropriate.

Commissioner Hall: I agree, but is the name Parkard Way or Packard Way, because one says Parkard and one says Packard.

Chairman Pruett: I believe it would be Packard.

Commissioner Hall: That's what I thought.

Chairman Pruett: So we can agree that the name change is appropriate. Okay, let's discuss the sidewalks. We don't have the plan for that by any chance Ed?

Ed Meehan: Not out tonight, I do have, I have the subdivision plans.

Commissioner Aieta: If I remember, the latest subdivision off of Maple Hill Avenue was done in the seventies by Gallichio. He put in I believe, how many lots, do you remember, Cathy?

Commissioner Hall: Which one was that?

Commissioner Aieta: The one that Gallichio put in.....

Donna DiMauro: Ponderosa, Ponderosa Lane?

Commissioner Aieta: No.....

Commissioner Hall: Birch.

Commissioner Aieta: There's how many houses there?

Donna DiMauro: Twelve

Commissioner Aieta: How many?

Donna DiMauro: Twelve homes.

Commissioner Aieta: Twelve homes. Do they have sidewalks?

Donna DiMauro: No. The only street that has sidewalks is Ponderosa Lane and a little street off of that with two homes on it.

Commissioner Aieta: I'd like to know if they got a waiver for sidewalks because the regulations haven't changed since they put in that subdivision, so apparently they got waived for sidewalks because there are sidewalks on that portion of Maple Hill Avenue, so there's a precedent set already that they have waived sidewalks in the past. Either that or

Commissioner Hall: I think there the sidewalk is on the other side of the street. Up near Birch.

Ed Meehan: It's on the west side.

Commissioner Hall: Isn't it on the other side?

Commissioner Aieta: So they wouldn't be required to.....

Chairman Pruett: No, there's no sidewalks on that side.

Donna DiMauro: The sidewalks go on the left side up until, like half way up the street, then you have to cross the street to get to the sidewalks that go on the remainder of Maple Hill Avenue, so it's not, and that's a safety issue as far as I'm concerned, that people have to walk across Maple Hill Avenue to stay on the sidewalk to be safe, so.....

Commissioner Aieta: But there is a subdivision there that doesn't have sidewalks so....

Donna DiMauro: Many, many subdivisions.

Commissioner Aieta: That is the one that I remember as being the most recent one built off of Maple Hill Avenue, was the Gallicheo one, the Birch Street, and I know they didn't put sidewalks in.

Chairman Pruett: Anybody else?

Commissioner Camerota: Just a clarification of Ed, it's my understanding that this request was made when the initial application came in.....

Ed Meehan: Yes. They did not grant the waiver.

Commissioner Hall: Weren't there more houses originally?

Ed Meehan: There were two more homes.

Commissioner Hall: I know it's down to six, but.....

Ed Meehan: This use started out as a total of ten, it was reduced to eight. Two of the eight have frontage on Maple Hill, so they are not new lots, they are existing lots, so there are six new lots.

Commissioner Anest: So there are going to be two on Maple Hill.....

Commissioner Hall: They are already there, right?

Commissioner Hall: They are going to be incorporated into the subdivision.

Donna DiMauro: I lived in one of the homes on the corner, and there is very little pedestrian traffic on Maple Hill Avenue in the eight years that I was there, and I expect there to be less traffic, I don't think safety is an issue.

Chairman Pruett: Anybody else? We can review what the previous petition did on Birch, or we can discuss it further tonight and move forward. What is the pleasure of the Commission?

Commissioner Aieta: There is nothing else further that we have on the agenda Mr. Chairman, so we could discuss it and try to get an action.

Chairman Pruett: Yeah, we could get some input to consider if a waiver would be appropriate, get a consensus.....

Commissioner Anest: I don't see why we couldn't grant a waiver, there are only six lots and it's not going to connect to any sidewalks.....

Ed Meehan: It will connect to a sidewalk

Commissioner Hall: There is a sidewalk on Maple Hill at that point. It stops way up at Pine and this is farther down.....

Commissioner Anest: This is more towards Cedar? It's near the church, right?

Donna DiMauro: No, it's almost across from those four new houses that they built at the end of Maple Hill, right on the corner of Cedar, those four new homes there, it's right across from that. As a matter of fact, it's right at the point where the proposed Maple Avenue extension will be, so at that point that Maple Hill will become a dead end, a cul-de-sac, and the traffic will veer off from the front of this road and there will be even less traffic, pedestrian and vehicles coming by there, so there is already minimal pedestrian traffic now.

Chairman Pruett: What are your thoughts Cathy, you know the area.....

Commissioner Hall: Well, my only thought is, and I don't know how germane this is, but I know that people with small kids love to have sidewalks so that their kids can ride bikes, but you know, that's a call of the developer. It's our choice to decide whether we think it's a safety issue and something that we want to waive, because it is in the regulations.

Donna DiMauro: May I make a comment on that? I understand what you are saying Cathy, but it is extremely (inaudible) and there is, not a steep incline going up into this street, I don't know what the percentage is, but there is an incline, so even if kids were to go up and ride, it's more of a danger to be coming down a sidewalk and onto Maple Hill Avenue I think.....

Commissioner Hall: Well, whether they are on the street or the sidewalk, as I said, I don't know how germane that is, it's really our choice to decide whether it's something we want to waive because of our regulations.

Chairman Pruett: What are your thoughts on it tonight.....

Commissioner Hall: Well, I'd like to see the plan again. As I remember it, there was a house here, I think there may only be two houses on that north side anyway because I think there is something in the, it's really a cul-de-sac type or a clock or whatever you want to call it, so you have one here, maybe two there, and I remember something up here and then coming down on the east side.

Donna DiMauro: I have a plot plan.....

Commissioner Aieta: That's perfect.

Commissioner Hall: Yeah, that will help. I think we are talking maybe two properties in the cul-de-sac.

Donna DiMauro: There will actually be three. There's three lots on that side, no actually four, because you would come around the existing home.

Commissioner Hall: Then you only have two on the other side?

Donna DiMauro: Well, two of the existing homes and then there are three lots on each side.

Commissioner Aieta: So where is the sidewalk proposed?

Commissioner Hall: North side. So where would it stop, at the top of the cul-de-sac?

Donna DiMauro: Yes.

Commissioner Hall: That makes no sense.

Ed Meehan: It goes from the existing sidewalk on Maple Hill....

Commissioner Aieta: So half of the people get a sidewalk.

Ed Meehan: Well that's how the regulations read. Unlimited access.....

Donna DiMauro: And the street lights are on this side.

Commissioner Pane: Mr. Chairman, I just want to bring the Commission, this is similar to Church Terrace that I constructed. Not a lot of houses, the only difference is, on Church Street there's no sidewalks, that's the only difference, but this is a very small cul-de-sac development and I don't think it warrants sidewalks. We did not put sidewalks on Church Terrace. I also, we also reduced the road surface on Church Terrace I think down to twenty-six, twenty-seven feet because it wasn't necessary to have a big, wide pavement. I just don't see where these minimum lots warrants having all that sidewalk, and the sidewalk would just end at the very end of the cul-de-sac, doesn't make sense.

Commissioner Hall: Plus, most of it would be curved.

Chairman Pruett: Does that clarify.....

Commissioner Aieta: That makes it a lot clearer, I would be in favor of waiving the sidewalks.

Chairman Pruett: Okay, I think we have reached a consensus that we are going to waive the conditions for the sidewalks.

Donna DiMauro: Thank you very much.

Ed Meehan: Is that going to be a motion? Are you acting on this tonight?

Commissioner Aieta: Mr. Chairman, maybe we should move that petition to Old Business and then make a formal motion and move it off the table.

Chairman Pruett: Can you do that without any difficulty Ed?

Ed Meehan: It's pretty straight forward, it's you know, change of name, extension, and the consensus is to waive sidewalks.

Chairman Pruett: Okay, the consensus is to move this to Old Business and if you can do your configurations there, we'll pause for Old Business until we can read that.

While Ed is doing that, we can skip over to Remarks by Commissioners. Anybody have any special remarks?

Commissioner Pane: I do Mr. Chairman, but it's going to take a few minutes. I reserve my comments, if I could.

Chairman Pruett: Okay.

Commissioner Anest: When are we going to discuss the blight ordinance? Are we going to discuss it tonight?

Chairman Pruett: Well, we just have it tonight, I talked to the Mayor, I've talked to the Town Manager, I've talked to Mr. Meehan, and I asked them to keep that open so we can get it in front of us, so we can discuss it, as a Commission and they agreed to keep that open until we can get our input.

Commissioner Aieta: Can we make it an agenda item for the next meeting, so we put time aside to do that.

Chairman Pruett: Yes, we have it tonight, I think Ed passed it out. I'll put in my request for the Commission to review it for discussion at our next meeting. We'll keep it until we get a consensus or opinion before we give it back to the Town Council.

Commissioner Anest: And then you will go and present it?

Chairman Pruett: We can put our thoughts in writing and then I will go and present it.

VII. OLD BUSINESS

Petition 68-06 68-80 Maple Hill Avenue Greenes Way Subdivision

Commissioner Camerota moved that the request for extension of time for completion be approved to April 25, 2016; the street name be changed to Packard Way is approved, and the waiver of the sidewalks requirement is granted.

The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ December 14, 2011 and January 11, 2012.)

- A. PETITION 34-11 – Request for Zone Regulation amendment to add Section 3.15.8 Crematories regulated by Special Exception Nutmeg State Crematorium, LLC applicant, represented by Attorney Vincent Sabatini, One Market Square, Newington CT 06111. Referral to Capital Region Council of Governments required for inter-town advisory review. Schedule for public hearing December 14, 2011.
- B. PETITION 35-11 – 151 Kitts Lane, Nutmeg State Crematorium, LLC applicant, represented by Attorney Vincent F. Sabatini One Market Square Newington, CT 06111 request for Special Exception for crematorium use at 151 Kitts Lane, Berlin Turnpike Business Zone, B-BT District. Schedule for Public Hearing December 14, 2011.
- C. PETITION 36-11 - 151 Kitts Lane, Nutmeg State Crematorium, LLC applicant, represented by Attorney Vincent F. Sabatini One Market Square Newington, CT 06111 request for site plan modification for crematorium use, Berlin Turnpike Business Zone, B-BT District. Schedule for presentation December 14, 2011.

Ed Meehan: These three companion applications were discussed and set for December 14th, basically the new term of the Commission so they would not be between two different boards for public hearing purposes. The matter has been referred to both the Capital Region Council of Governments as well as the Central Connecticut Regional Planning Agency because they impact boundaries within five hundred feet of neighboring towns in Berlin and Wethersfield and New Britain. So, I haven't got the reports back from the two regional planning agencies yet. I would recommend that, the way that the petitioner submitted this, there's like three things going on here and one is the zone change, which is a policy decision which affects all districts which are in the Berlin Turnpike Business Zone, and the way that our regulations are constructed is if a use is permitted by special exception in the Berlin Turnpike Business Zone it's also permitted in the Planned Development Zone. So that is the entire length of the Berlin Turnpike as well as sections of the Planned Development Zone which touch on Kelsey Street, Christian Lane and parts of Cedar Street. At the same time he submitted a specific petition for a street address at 151 Kitts Lane. Now, I don't want the Commission to get ahead of its self, but if you are going to hold that petition for 151 Kitts Lane, then we should also notify the abutters of 151 Kitts Lane, because it is a public hearing and they should have the opportunity to comment on a petition that could affect their area. And then the site plan, Petition 36-11 rides with the Special Exception. So you could do all three the same night, or you could just do Petition 34-11 and decide what you want to do with that, before you get into a specific site plan and special exception for a particular address.

Chairman Pruett: Do you have a recommendation?

Ed Meehan: I think the cleaner way is to deal with the zone change first, and not to get into a specific location, although the applicant submitted it that way, and we have sixty-five days from date of receipt to hold a hearing.

Commissioner Aieta: What you are saying is that if we don't go forward and amend our regulations and this is not a permitted use as it stands so they have to come to us and ask to put it into our regulations. So if we don't agree to do that, then the rest of the other two are moot. So we shouldn't even be hearing those until we make a decision whether we want crematoriums or not.

Ed Meehan: Should be a two step process.

Chairman Pruett: I agree. That only makes sense.

Ed Meehan: I will talk to the applicant about this. I know we pushed this out a little bit, I can check the date of receipt. We have sixty-five days to schedule a hearing and we can get additional time to schedule the hearing, but until it is permitted in the regulations, as Commission Aieta was saying, it's a moot point as to whether you have a site plan in a particular location.

Commissioner Aieta: Did he do this for a specific reason? Why do you think, I mean, this is an attorney that is familiar with our zoning, did he do that for a specific reason to bring all three in at once?

Ed Meehan: Not that he shared with me

Commissioner Aieta: Is there an advantage to bring in all three at once? From the applicants point of view, is there an advantage?

Ed Meehan: Not based on the calls that I'm getting. There's an awful lot of concern about this which would not be an advantage to do it this way. But I think the cleaner way is for the Commission to look at your Plan of Conservation and Development and in fairness to the applicant to see if this fits into a Planned Development Zone or a Business Zone before you start looking at a particular site.

Chairman Pruett: I think we can agree with that.

Ed Meehan: Okay, for the zone change only first.

Commissioner Anest: What happens if the January 11th, goes beyond the sixty-five days?

Ed Meehan: Well, you are going to do your zone change first, and really until you have the zone change in place and becomes effective or doesn't become effective, Petition 35-11 is, it doesn't really exist because you don't have a zone change to go with it. I'll talk to Attorney Sabatini and explain the rationale, how you want to schedule it, and ask for an extension.

Commissioner Pane: Mr. Chairman, I'd just like to remind some of the Commissioners that in the 2020 Plan there's a couple sections that talk about non-compatible uses on the Berlin Turnpike and keep things like that in mind and also there's a reason sometimes why things aren't permitted in our regulations. Thank you Mr. Chairman.

Chairman Pruett: Okay, anything else on scheduling, Ed. That's about it, anything new to add, last minute submissions?

Ed Meehan: Not at this point, no.

IX. REMARKS BY COMMISSIONERS

Commissioner Pane: I'd like to discuss what happened at the previous meeting, which was the, concerning Petition 30-11 – 3573 Berlin Turnpike on the corner of Rowley Street. For a number of reasons, and before I get into that, and I'm directing this to not only all of the Commissioner members, but mainly to Carol, Michelle and David because what I'm asking is for you really think about this and determine whether or not a mistake was made and I'm

requesting that one of you that had voted for it possibly would think about rescinding it to re-look into this. First of all I would like to get into a little of the history of the Berlin Turnpike and the thirty-five foot green space. This was put in over thirty years ago so that the Berlin Turnpike instead of having pavement right up to the road with very little green space, so that it was put into the regulations so that there would be a boulevard type of look going down the Berlin Turnpike. Without this, the Berlin Turnpike would look like several areas of Wethersfield over where the diner is, where there is either no grass, or four to five feet of grass. It's very important because years ago the Commission came to the opinion that they wanted to improve the Berlin Turnpike and the look of it and so this regulation, this thirty-five foot buffer was put into the regulations for that reason. I think it's very important. Part of the discussion last meeting was whether or not you could waive all of it or you could waive only half of it. I want the Commission to think about this and if there is any question in your mind I would like you to rescind your vote so that you could look at this and read the minutes more thoroughly yourself. Back in 2006 the McDonald's property got redeveloped and it didn't conform with anything. It was totally non-conforming and they had to come up with some way to make it more conforming and I'd like to read part of the minutes from April 11, 2006, this is John Cusak talking, "I briefly just want to touch on some of the non-conforming uses that we have on this site, because they are numerous; distance to residential, don't meet that, driveway intersections, don't meet that, front yard setbacks on East Robbins, the landscape buffer for residential, parking setback for East Robbins and the Berlin Turnpike, impervious coverage, internal landscaping, and signage" I'm going to skip down, "the restaurant is approximately 5,265 square feet, and what we have done is rotate it ninety degrees, actually so it is parallel with the Berlin Turnpike as opposed to setback. The reason that we did that was to try to get out of being in the hole and also improve some of the external circulation that you see. Right off the bat, by turning the building, some of the things that we were able to do was remove the parking from the Berlin Turnpike, now outside of it. We had this large area here, our initial plan, we wanted to park in that area, but Ed made it perfectly clear that it is a very big priority for you folks to avoid parking in that area. So we have thirty-five feet plus an additional twenty of green space there, so it will be a nice buffer for the building." The move of parking from the twenty-five foot residential setback in the rear came by moving it back. That's one example of, and there are a lot of other ones, where the buffer, the thirty-five foot setback for the Berlin Turnpike was a priority, a very high priority of this Commission in the past. I know there was a lot of confusion last meeting whether or not, if you decided, if this Commission decided to waive some of the either buffer or front yard setback, how much could it waive, so I would like to bring your attention to another set of minutes back in March 22, 2006. This piece of property is the Mike Lenares property down on, down off of Styles Avenue. Joe Peruginni is coming in and he says, "the first comment was that this site plan request, a waiver of twenty-five foot buffer adjacent to the residential zone, Section 6.10.5 (C) permits a waiver by two thirds vote of the Commission based on findings stated on the record that the modification is justified, along with the application. We submitted a letter that addresses this request for the buffer. We are asking that this twenty-five foot buffer be reduced to twelve and a half feet. The regulations say the buffer cannot be reduced to more than half, and within that regulation, we have cited two major factors within the letter than we feel the buffer could be reduced by. Rather than read through the letter, I can just point them out to you on the plan. Actually the regulations, 6.10.5 (C) says that the Commission reserves the right to alter the buffer requirement when in its opinion, the individual natural topographic or manmade utilities on the site clearly indicate that the buffer requirement is inappropriate. What I would like to show you is that there are some natural features here. There's a water course that runs from south to north that runs along the center of this portion of the property according to wetlands. We are required to stay approximately eleven to sixteen feet." There is also a, I'm not going to read it all to you. There was also a trunk line there, MDC trunk line, and there were also some topographical areas there, so they ended up waiving twelve and a half feet.

Then the last point was, one of the concerns on that property was whether or not there was going to be a turn lane at Rowley Street and last meeting, on November 9th, Ed Meehan said, "Rowley Street west of Sam's gas station is residential in Newington and residential also in Berlin, so our long range corridor plan did not anticipate a turning lane. There already is a right hand turn lane you can take a right hand turn on red, you have two through lanes." There's only two through lanes, there is no right hand turn lane, there is a break down lane, it's not even a complete lane. So I think for that reason, plus the misunderstanding on the way that regulation was written, matter of fact, earlier tonight when we talked about the Petition on the Berlin Turnpike where the Mexican restaurant is, Ed commented about the waiver and he said that we could waive, the Commission could only waive twelve and a half feet. So that, ties into the same as the buffer in the front on that petition, you could only really waive, of the thirty-five feet, if you were going to waive any of it for any extraordinary reasons, you could only waive seventeen and a half feet of it. So, you might not agree with me thoroughly right now, but I think a mistake was made and think about what it could do for the future of the Berlin Turnpike. McDonald's, all these, Krispy Kreme, they could come back and ask for the same waiver which this Commission granted which was thirty-five feet, the entire.....

Commissioner Aieta: It was thirty feet.

Commissioner Pane: Well, they waived thirty of the thirty-five, I apologize. The impact on that, after all of the work that many Commissions did would be disastrous for what we had accomplished over the last thirty something years. So those reasons I would ask the three, I would like to ask other people, but only somebody that voted for it last meeting, could rescind their vote, and bring it back to the Commission and talk about it, and if it's not only for that reason, the interior layout, there were still problems with the interior layout, I don't think the, we never got a report from the Fire Marshal to see if he could make all his turns in there, there were snow removal problems. He was basically trying to maximize the site out and I think it's a great thing to get that site developed, but I don't think it should be maximized at the, at our expense, at the town's expense, where we lose a thirty foot buffer, and if the Commission felt that there were reasons, then apply your regulations the correct way, which would be, as Ed Meehan said earlier, you could only waive half of it. Thank you very much Mr. Chairman.

Chairman Pruett: Comments, anybody?

Commissioner Anest: Regarding the buffer on the Berlin Turnpike, could we get information on maybe Ruth Chris and maybe Bond Dinette. I don't know if they have thirty-five foot buffers.

Commissioner Pane: Some could be non-conforming, non-conforming, existing.

Commissioner Anest: I would like to get some history.

Ed Meehan: I can help track it back. I believe this thirty-five foot front yard green space is in the regulations maybe ten or twelve years. I don't think it goes back thirty. I could be wrong, but I'll check that, and sometimes there is a difference in nomenclature. In some parts of the regulations we are talking about buffers and buffers appear in all of the non-residential zone districts in the area of wherever you have a commercial, industrial zone abutting a residential zone, the regulations call for a twenty-five foot buffer, and they refer you to Section 6.10 and they talk about buffers between residential and non-residential and then that Section sends you down to Section 6.10.5 which talks about, that's where the waiver provision comes in.

Commissioner Aieta: C.

Ed Meehan: C. So when I have been talking about waiving front yard green space, front yard green is different than a buffer, it's not.....

Commissioner Aieta: It's all under the same, unfortunately it's all, maybe it's written wrong, but it's all under the same heading of 6.10. Under 6.10 it's all, buffers, front yard setbacks, all of those three items are inclusive, it's all in the same section so you can't pick and choose, I mean, all of those three things are all intertwined, so if you start applying the procedure for a buffer, it's the same procedure that you would apply for a setback because that is the way that it reads. That's the heading of the section.

Ed Meehan: Well, the only thing that I would point out, and you guys interpret your regulations, is that the difference between the language for buffer and the language for front yard green space, for thirty-five front yard green space on the Berlin Turnpike, it says in whole or in part. And the Commission has interpreted that and applied it to the site plan for McDonald's, as Domenic points out, they said they want the thirty-five feet, we did it for Outback and Ruby Tuesday's and.....

Commissioner Pane: Krispy Kreme.

Ed Meehan: They all came under that. They did not apply that thirty-five feet for TGIFridays.

Commissioner Pane: That is because of the topographic....

Ed Meehan: For whatever reason, it was a corner site, it was an out parcel.....

Commissioner Pane: There's also, some sections of the Berlin Turnpike, I don't mean to interrupt, but there are some sections of the Berlin Turnpike that the right of way, the state right of way is larger than other areas. The right of way, the state right of way is not the same throughout the entire Berlin Turnpike. It adjusts. So it's very possible that, that right of way there, I believe it is, is a larger right of way, and because of that, plus that the Berlin Turnpike is thirty feet lower, or fifteen feet lower, that's probably what the reasons, I couldn't find the TGIFriday's minutes. I think that the Commission should look at them, I think you should look at them, and look at other ones and come to your opinion on it. But I think you should look at it. McDonald's and other sites, there was a priority to keep the open space. If you were going to waive them, you could only waive half of them. I really think that you have to get a handle on that regulation because otherwise, you are going to have a lot of problems down the road, with other applications coming in and asking for that particular waiver of the front yard, and I think it could lead to problems down the road. Thank you.

Chairman Pruett: Did you want to continue, Ed?

Ed Meehan: The train of thought I was trying to get across was that the Commission that was sitting at the time of TGIFridays, looked at the thirty-five foot front yard green space requirement and felt that the language whole and part, was an option that they could apply on a case by case basis, and because of the location of that out parcel, and the fact that it was an underutilized parcel, and I think Domenic is right, because of the corner being quite wide there, they felt that a waiver of the whole was appropriate, so that is the precedent that this applicant with the corner of Rowley and the Berlin Turnpike looked to, and rationalizing why they felt their waiver of the whole, thirty feet, not thirty-five, was something they presented to the Commission, with the various caveats, you're going to get parking taken out of the state right of way, the building was going to be pushed back, and the various things that you

looked at. So, again, it's interpretive. I don't dispute that the language probably needs to be revised and separated out if it's the Commission's intent to reserve the right, or the option to waive the front yard green space, on those occasions where it works for a particular site, then it needs to be probably backed out of this buffer section, and made clearer, so we are not into this gray area that's generating this discussion tonight.

Commissioner Aieta: The least we should do it is separate the front yard setback from the buffer and clean up the language because apparently there is a real misunderstanding because I don't think anyone here on this Commission would want to waive a hundred percent of a buffer. Look at the instance tonight, would you want to waive the buffer all the way, on the restaurant side, all the way to the fence. I mean, you would have that option if the language was kept the same. I think with the buffer, maybe you have to make a distinction between a buffer and a front yard setback, but I mean, what Domenic says about the front yard setbacks, I know, my history on the Commission for years in the past, into the seventies, our main concern and it was carried through years and years and years, you know, every Commission, that we try to clean up the Berlin Turnpike. One of the tools that we used was trying to get that green space, that boulevard look, to try to get away from what it looks like in Wethersfield and Berlin. I mean, you look at the Newington section compared to the Wethersfield section and Berlin section and Meriden section, ours is the pristine part of the turnpike if you want to use that term.

Chairman Pruett: I concur that it is a little fuzzy, but I interpret it that we had the opportunity and the right to waive it, which we did at the last meeting for a couple reasons, one, actually that even though the property is not owned by the applicant, it is increasing the amount of green space now if I'm correct from eighteen feet to sixty-five feet, something like that, if I'm not mistaken, Ed?

Commissioner Pane: That's the state land.

Chairman Pruett: I just got through saying that, it's not his property, it's the state property, so in that case, the buffer wasn't eliminated completely, I don't believe, it's got to be a rare special exception to eliminate a buffer completely, in this case it wasn't on paper, and I believe we interpreted it, we had a lengthy discussion and I have no qualms about what I voted for last time.

Commissioner Pane: Mr. Chairman, just one last comment. You're right that they increased the state land, they aren't using the state land but as soon as the state takes that land back for a possible turning lane, then that buffer is gone, and that's why you really can't take into account the state land. That's why the requirements were, thirty-five feet of your own land because you can never know when the state is going to take back that, their required land, and then the only other comment was on those two meetings that I mentioned which was the McDonald's and the Lenares site, the Chairman was Chairman Camilli, Commissioner Fox, Commissioner Ganley, Commissioner Schatz and Commissioner Pruett were at those meetings. Just wanted to make that comment, thank you.

Chairman Pruett: Okay, any other comments?

X. STAFF REPORT

Ed Meehan: Want to make sure that you get the report that the appeal period for Toll Brothers for Petition 12-11 and 13-11 expired on Thursday, last week. They have not taken an appeal. They have not taken an appeal to the Inland Wetlands denial, so it's my understanding that they may be looking at the twenty-one requirements that this Commission

imposed on the revised subdivision. They are looking at those to see what the feasibility of addressing those are, so I haven't heard from their project engineer on that, but I'll keep you informed if they do start asking questions of staff.

Chairman Pruett: Just to elaborate on that, they didn't file an appeal, in other words, they are accepting.....

Ed Meehan: They are accepting the approval as.....

Chairman Pruett: The twenty-one conditions we placed on that.

Ed Meehan: They are accepting it, but I don't know if they have actually sat down with their plans and figured out how to implement all of those yet.

Commissioner Camerota: They would still have to go back to Conservation.....

Ed Meehan: Yes, they have to go back, separate application or a plan that doesn't warrant an application to Inland Wetlands and go through their jurisdictional review as far as the impact of the proposed site on the inland wetland area.

Chairman Pruett: Any other questions on that?

Commissioner Pane: Mr. Chairman, one last thing, a couple of meetings ago, and quite a few meetings ago, Commissioner Hall asked the same thing as I did, and I was wondering if the Town Planner could fill me in if there is any news, the Town Planning and Zoning meeting room was the Curtis Ambler room and do we have an update on what is going on there? That name was taken away from the town planning and zoning room, it was named the Curtis Ambler room and I find it appalling that it was just taken away without any explanation or anything. After you name something in the town, after somebody, you would think it would remain that way out of respect for the family.

Ed Meehan: I immediately responded the next day with an e-mail to the Town Manager's office relaying the Commission's desire to rename this room. I know they are doing some other improvements in this room, and I don't know if that is all part of it, but they are going to be doing some improvements as far as the acoustics and video in this room, but it has been relayed to the front office.

Commissioner Pane: Thank you very much.

Chairman Pruett: Anything else Ed?

Ed Meehan: No.

Chairman Pruett: Any inklings on any new business ventures?

Ed Meehan: Well we are seeing some approved sites that go back three or four years that have been sitting on the back burners because of the economy or complications with possible investors are starting to get more interest. I don't know if it is because of the way that projects are being priced right now, it could be in distress and they are willing to start talking about selling them, but there are some projects on the Berlin Turnpike that we're getting inquiries from developers so if the economy improves, we may have those back before you.

Chairman Pruett: Any other grants being submitted for the National Welding site?

Ed Meehan: The next grant round for opportunities for National Welding is in mid-January. Connecticut Department of Environmental, Department of Economic and Community Development brownfield unit has a grant round for projects like that in January.

XI. PUBLIC PARTICIPATION

(For items not listed on the agenda)

Rose Lyons, 46 Elton Drive: I just wanted to thank the Chairman, the Town Planner for the temporary fix for those of us sitting in the audience so we can hear. I must say that I did start to watch the last meeting on NCTV this afternoon at 4:00 o'clock, and you are loud and clear over the television but it is still difficult to hear back there without the microphone, and the talk between all of you here is also a little bit difficult to hear, but I sat up front and heard most of what was going on. I know there is no dialogue, but just so I can be clear in my head maybe, this blight ordinance is going to have a public hearing tomorrow night before the Town Council. You are going to ask that it be held over.....

Chairman Pruett: Kept open.

Rose Lyons, Kept open and that means that you will be discussing it at a meeting the night after the next town council meeting?

Chairman Pruett: The fourteenth, yes.

Rose Lyons: Then it will go this coming town council meeting, skip the next one and then maybe discuss again, or do they discuss it at every single meeting? Do they have a public hearing every meeting until you come back with your recommendations?

Chairman Pruett: The request was to keep it open until we have some input.

Rose Lyons. Okay, I want to write a letter to the editor.

Chairman Pruett: Okay Mrs. Lyons, thank you. Anybody else from the public wishing to speak?

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruett: I would just like to thank the out-going Commissioners, Bob Schatz, Domenic Pane, Cathy Hall officially, her term ends, and who else did I miss here, Frank, for their participation, volunteering their time, their input. It makes for a lively and thoughtful process and I wish them well, and I'd like to wish everyone a Happy Thanksgiving.

XIII. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary